

EXPRESS MAIL NO. EL683747418US

1

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jack Goldberg et al.  
Filed : September 14, 2001  
For : MINIATURE RESONATING MARKER ASSEMBLY  
Docket No. : 34114.8005US

Commissioner for Patents  
Washington, DC 20231

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73  
AND POWER OF ATTORNEY

Sir:

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment filed concurrently herewith, a copy of which is enclosed, hereby elects under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors. Assignee hereby appoints JERRY A. RIEDINGER, Registration No. 30,582; MAURICE J. PIRIO, Registration No. 33,273; MICHAEL D. BROADDUS, Registration No. 41,637; CATHERINE HONG TRAN, Registration No. 43,960; ROBERT G. WOOLSTON, Registration No. 37,263; PAUL T. PARKER, Registration No. 38,264; JOHN M. WECHKIN, Registration No. 42,216; CHRISTOPHER DALEY-WATSON, Registration No. 34,807; STEVEN D. LAWRENZ, Registration No. 37,376; JAMES A.D. WHITE, Registration No. 43,985; EDWARD S. HOTCHKISS, Registration No. 33,904; JAMES NICKELSON, Registration No. 46,140; STEPHEN E. ARNETT, Registration No. 47,392; DAVINA L. CHILDS, Registration No. 47,485; BRETON A. BOCCIERI, Registration No. 31,739; BARBARA B. COURTNEY, Registration No. 42,442; PETER J. DEHLINGER, Registration No. 28,006; LEE ANN GORTHEY, Registration No. 37,337; RICHARD L. GREGORY, Registration No. 42,607; LINDA R. JUDGE, Registration No. 42,702; MICHAEL MARTENSEN, Registration No. 46,901; JUDY M. MOHR, Registration No. 38,563; MARK THOMAS, Registration No. 37,953; and LARRY THROWER, Register No. 47,994, of Perkins Coie LLP, as the principal attorneys with full power of substitution, association, and revocation to prosecute said application, to transact all business in the Patent and Trademark Office connected therewith, and to receive the letters patent therefor. Please direct all correspondence to Customer Number 25096.

Bar Code:

**\*25096\***

25096

PATENT TRADEMARK OFFICE

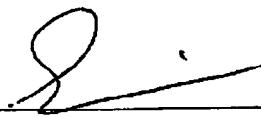
Pursuant to 37 C.F.R. § 3.73, the undersigned duly authorized designee of Assignee certifies that the evidentiary documents have been reviewed, specifically the Assignment to Calypso Medical Technologies, Inc. filed concurrently herewith for recording, a copy of which is attached hereto, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Calypso Medical Technologies, Inc.

2

9-14-01

Date

  
Eric Meier  
President and CEO

Enclosure:

Copy of Assignment

00000000000000000000000000000000

**COPY****ASSIGNMENT**

WHEREAS, we, Margo Gisselberg, Eric Hadford, Steven C. Dimmer, Jack Goldberg, Jeff Pelton, and Kurt Zublin ("ASSIGNORS"), having post office addresses of 17229 33<sup>rd</sup> Place W., Lynnwood, WA 98037, 10914 34<sup>th</sup> Avenue SE, Everett, WA 98208, 12810 NE 32<sup>nd</sup> Place, Bellevue, WA 98005, 9323 Sawtooth Way, San Diego, CA 92129, 9469 Aldabra Court, San Diego, CA 92129, and 13031 Edina Way, Poway, CA 92064, respectively, are the joint inventors of an invention entitled "MINIATURE RESONATING MARKER ASSEMBLY," as described and claimed in the specification forming part of an application for United States letters patent executed herewith;

WHEREAS, Calypso Medical Technologies, Inc. ("ASSIGNEE"), a corporation of the State of Washington having a place of business at Melbourne Tower, 1511 Third Avenue, Suite 323, Seattle, WA 98101, is desirous of acquiring the entire right, title, and interest in and to the invention and in and to any patents that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ASSIGNORS hereby sell, assign, and transfer unto ASSIGNEE, its legal representatives, successors, and assigns, the entire right, title and interest in and to the invention as set forth in the above-mentioned application, including any continuations, continuations-in-part, divisions, reissues, re-examinations, or extensions thereof, any other inventions described in the application, and any and all patents of the United States of America and all foreign countries that may be issued for the invention, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from the United States application to which foreign applications are entitled by virtue of international convention, treaty or otherwise, the invention, application and all patents on the invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same

would have been held and enjoyed by ASSIGNORS had this assignment, transfer, and sale not been made.

UPON THE ABOVE-STATED CONSIDERATIONS, ASSIGNORS agree to not execute any writing or do any act whatsoever conflicting with this assignment, and at any time upon request, without further or additional consideration but at the expense of ASSIGNEE, execute all instruments and documents and do such additional acts as ASSIGNEE may deem necessary or desirable to perfect ASSIGNEE's enjoyment of this grant, and render all necessary assistance required for the making and prosecution of applications for United States and foreign patents on the invention, for litigation regarding the patents, or for the purpose of protecting title to the invention or patents therefor.

ASSIGNORS authorize and request the Commissioner of Patents and Trademarks to issue any Patent of the United States that may be issued for the invention to ASSIGNEE.

13 Sep 2001

Date  
State of California)  
County of San Diego)

Jack Goldberg  
Jack Goldberg  
) ss.

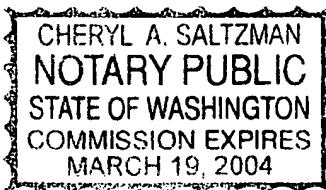
I certify that I know or have satisfactory evidence that Jack Goldberg is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 9-13-2001  
  
 Signature of Notary Public Fred Kosinski  
 Printed Name FRED KOSINSKI  
 My appointment expires 9-25-2004

9/14/2001  
Date  
State of Washington)  
County of King)

Eric Hadford  
Eric Hadford  
) ss.

I certify that I know or have satisfactory evidence that Eric Hadford is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 9/14/2001  
  
 Signature of Notary Public Cheryl A. Saltzman  
 Printed Name Cheryl A. Saltzman  
 My appointment expires March 19, 2004

September 13, 2001Jeff Pelton

Date

State of California)

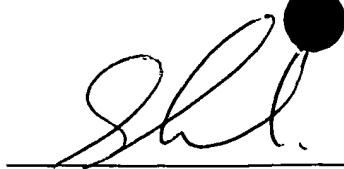
) ss.

County of San Diego)

I certify that I know or have satisfactory evidence that Jeff Pelton is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 9-13-2001Signature of  
Notary Public Fred KosinskiPrinted Name FRED KOSINSKIMy appointment expires 9-25-2004

9/14/01



Date \_\_\_\_\_  
State of Washington)  
County of King)

Steven C. Dimmer

) ss. 

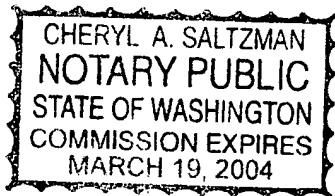
I certify that I know or have satisfactory evidence that Steven C. Dimmer is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 9/14/01

Signature of  
Notary Public Cheryl Saltzman

Printed Name Cheryl A Saltzman

My appointment expires March 19, 2004



09-13-2001

Date \_\_\_\_\_  
 State of California)  
 )  
 County of SAN DIEGO)

Kurt Zublin

ss.

I certify that I know or have satisfactory evidence that Kurt Zublin is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



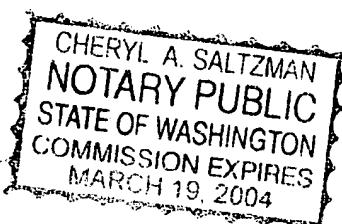
Dated 9-13-2001  
 Signature of Fred Kosinski  
 Notary Public  
 Printed Name FRED KOSINSKI  
 My appointment expires 9-25-2004

9/14/01  
 Date \_\_\_\_\_  
 State of Washington)  
 )  
 County of King)

Margo Gisselberg

ss.  
Margo Gisselberg

I certify that I know or have satisfactory evidence that Margo Gisselberg is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.



Dated 9/14/01  
 Signature of Cheryl Saltzman  
 Notary Public  
 Printed Name Cheryl A. Saltzman  
 My appointment expires March 19, 2004